

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK**

DOCUMENT SECURITY SYSTEMS, INC., AND  
DSS TECHNOLOGY MANAGEMENT, INC.,

Plaintiffs,

-against-

JEFFREY RONALDI,

Defendant.

20 Civ. 6265

**NOTICE OF REMOVAL**

PLEASE TAKE NOTICE that defendant Jeffrey Ronaldi, by his undersigned counsel, hereby removes the above-caption action, filed on or about March 2, 2020 in the Supreme Court of the State of New York, County of Monroe (the “State Court”) under Index No. E2020002300 (“the Action”), to the United States District Court for the Western District of New York, as authorized by 28 U.S.C. §§ 1441(b) and 1446. As grounds for removal of the Action, Ronaldi states as follows:

**Statement of the Case**

1. According to the Complaint filed in the State Court, a true and correct copy of which is attached hereto as **Exhibit 1**, this is an action for monetary damages. Plaintiffs have brought seven causes of action alleging breaches of fiduciary duty (Counts I, II, III, and IV), common law indemnification (Count V), faithless servant liability (Count VI), and unjust enrichment (Count VII).

2. The Summons and Complaint were served on Ronaldi on March 28, 2020.

### **The Parties**

3. Jeffrey Ronaldi is the former Chief Executive Officer of Document Security Systems, Inc. (“DSS”). Ronaldi is a California resident.

4. The Complaint describes DSS and DSS Technology Management, Inc. (“DSS TM”) as having a principal place of business located at 200 Canal View Boulevard, Suite 300, Rochester, New York 14623. DSS is a New York Corporation and DSS TM is a Delaware corporation.

### **Grounds for Removal**

5. This Action is properly removable under 28 U.S.C. § 1441 in that it is a “civil action brought in a State court of which the district courts of the United States have original jurisdiction.” Specifically, this court has original jurisdiction under 28 U.S.C. § 1332(a), because there is complete diversity of citizenship between Plaintiffs (as citizens of New York and Delaware, respectively) and Defendant (a citizen of the state of California), and the amount in controversy exceeds \$75,000, exclusive of interest and costs. Accordingly, Plaintiffs are a “citizen of a state” of the United States within the meaning of 28 U.S.C. § 1332(a). As set forth in paragraph 4 above, Defendant is a citizen of California and is a “citizen of a state” of the United States within the meaning of 28 U.S.C. § 1332(a).

6. The amount in controversy requirement of 28 U.S.C. § 1332(a) is also satisfied. In the Complaint, Plaintiffs seek sums certain for Count III (\$500,000), Count IV (\$310,000), Count V (\$10,000), and Count VI (\$1,383,644.84). Otherwise, Plaintiffs’ causes of action seek amounts to be determined at trial. These allegations surpass the amount in controversy requirement.

**All Procedural Requirements for Removal Have Been Satisfied**

7. True and correct copies of the papers filed by Plaintiff in the State Court are collectively attached hereto as **Exhibit 1**. That satisfies the requirement of 28 U.S.C. § 1446(a).

8. This Notice of Removal has been filed by Ronaldi within 30 days of the date of receipt, by service or otherwise, of the Complaint. As noted in paragraph 4 above, the Summons and Complaint were served on Ronaldi on March 28, 2020.

9. As explained in paragraphs 4 and 5 above, Ronaldi is the only defendant in this Action and the only defendant that has been served with the Summons and Complaint. Accordingly, under 28 U.S.C. § 1446, Ronaldi may remove the Action.

10. By filing this Notice of Removal, Ronaldi does not waive or forfeit any objections or defenses he may have to jurisdiction; all such objections and defenses are expressly preserved. Ronaldi further does not admit any statement of fact or assertion as to the law contained in the Complaint or other papers filed in the State Court by Plaintiffs.

11. Ronaldi will promptly<sup>1</sup> file a copy of this Notice of Removal with the Clerk of the Supreme Court of the State of New York for the County of Monroe and will promptly serve a copy on counsel of record who have appeared for Plaintiff in the Action in the State Court.

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<sup>1</sup> On March 23, 2020, the Chief Administrative Judge of the Supreme Court of the State of New York for the County of Monroe issued an order restricting filings in that court to only those that have been deemed “essential.” See **Exhibit 2**. Under that court’s order, removal papers do not qualify as “essential.” As such, this Notice of Removal will be filed with the Clerk of that court promptly after that order has been lifted. In the meantime, Defendant will serve this Notice of Removal on opposing counsel.

Dated: April 24, 2020

HOGAN LOVELLS US LLP

By: /s/ David Dunn

David Dunn

Ryan M. Philp (*pro hac vice* motion to be filed)

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